



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
May 18, 2007

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, at 9:01 a.m. The meeting was held at: St. Francis Hospital, 34515 9th Avenue South, Board Room, Federal Way, Washington 98003.

Board Members Present: Daniel Dugaw, DO, Chair
William Gant, Public Member, Vice Chair
Thomas Shelton, DO
Roger Ludwig, DO
Thomas Bell, DO
Catherine Hunter, DO

Staff Present: Blake Maresh, Executive Secretary
Melissa Burke-Cain, Assistant Attorney General
Arlene Robertson, Program Manager
Erin Obenland, Disciplinary Program Manager
Judy Young, Staff Attorney
Joe Mihelich, Administrative Staff

Open Session (9:00 am - 9:15 am)

1. Call to Order
 - 1.1 Approval of Agenda

The agenda was approved as published.

- 1.2 Approval of Minutes - March 23, 2007 meeting

The minutes of March 23, 2007 meeting were approved.

1.3 Approval of Minutes - April 18, 2007 conference call minutes

The April 18, 2007 conference call minutes were approved.

1.4 Approval of Minutes - May 9, 2007 conference call minutes

The May 9, 2007 conference call minutes were approved.

Closed Session (9:15 am - 10:00 am)

2. Statement of Allegations/Stipulation to Informal Disposition presentations

2.1 Docket No. 06-05-A-10450P - Presented by Judy Young, Staff Attorney

Ms. Young presented the Statement of Allegations and Summary of Evidence/Stipulation to Informal Disposition for Docket No. 06-05-A-10450P. Mr. Gant, reviewing board member, did not participate in the decision.

2.2 Docket No. 07-02-A-10050P - Presented by Judy Young, Staff Attorney

The Statement of Allegations and Summary of Evidence/Stipulation to Informal Disposition for Docket No. 07-02-A-10050P was presented by Ms. Young. Dr. Hunter, reviewing board member, did not participate in the decision.

2.3 Docket No. 07-03-A-10330P - Presented by Judy Young, Staff Attorney

Ms. Young presented the Statement of Allegations and Summary of Evidence/Stipulation to Informal Disposition for Docket No. 06-05-A-10450P. Dr. Dugaw, reviewing board member, did not participate in the decision.

Deliberations were held in Executive Session. Each respondent will be notified of the Board's decision by mail.

Open Session (10:00 am)

3. Rules Updates

3.1 Performing non-surgical cosmetic procedures

Ms. Robertson reported that the CR101 relative to the non-surgical cosmetic procedure rules is being reviewed by the Department policy office.

3.2 Office Based Surgery rules

Ms. Robertson reported that the CR101 for the office based surgery rules has been submitted to the policy office. However, due to the ESHB 1414 being passed during the Legislative session, authority has been given for the Board to adopt rules governing the administration of sedation and anesthesia in the offices of osteopathic physicians, including necessary training and equipment. The CR101 is being modified to more clearly reflect the authority identified in ESHB 1414.

4. Program Manager Reports

4.1 Budget Report - May 2007

Ms. Robertson reported that expenditures have slowed, but large disciplinary costs have resulted in being \$150,000 over allotment. There is enough revenue to cover the additional expenditures when the biennial adjustment is made. The Department has advised that the renewal fees will return to the pre-July 1, 2005 amounts after July 1, 2007.

4.2 Washington Physicians Health Program - April 2007
Statistical Information

The monthly WPHP report was provided. No action was required.

4.3 Delegation of Signature Authority - Renewal for 2007-
2009 Biennium

The Board approved renewal of the Delegation of Signature Authority for the 2007-2009 biennium.

5. Executive Director Reports

5.1 Department/Division Updates

Mr. Maresh reported he is gathering topics of interest that can be used by the Department to identify initiatives to

submit for Legislative consideration. An increase in cost recovery charges and disciplinary fines has been proposed by other professions. These have not been changed since 1993. The Board suggested that the ceiling should be \$25,000 per violation. Cost recovery should be actual costs of the case, including investigative, adjudicative, and administrative costs. The costs should also be able to be adjusted for inflation.

Mr. Maresh indicated that the audit of the Department of Health has been completed. The report is anticipated to be received by mid to late July.

Mr. Maresh reported that the Citizen Advocacy Center will be holding its annual meeting in Seattle, October 29 - October 31, 2007. He encouraged board members to attend.

5.2 Legislation

Maryella Jansen, Deputy Executive Director, provided a report of the outcome of bills considered during the Legislative Session. The primary legislation impacting the Board is the Ambulatory Surgical Center bill. Mr. Maresh also reported that he will be assisting with the Department rules to define a 60-day supply of medical marijuana. These rules are to be in place by July 1, 2008.

6. Other Business

6.1 Report highlights of Federation of State Medical Boards annual meeting - Staff and board member attendees

Board members and staff reported that the Federation meeting provided an opportunity hear about issues being addressed by other states. The program emphasized patient-centered care to include better communication, educating and connecting with patients. There is an expectation of consumers that is changing health care. Consumers are demanding increased transparency and standardized health care information.

Reentry to practice discussed whether there should be a linkage between specialty certification, continuing medical education, and licensure. If so, what should be the role of each? There were no clear answers regarding how specialty boards would deal with physicians who fail the certification examination or had been disciplined by a state medical board.

Newly established retail clinics being staffed by physician assistants or nurse practitioners are also impacting health care. It is unknown what impact these clinics could have on the overall health care system.

Regional roundtables were held to share current issues affecting each board. This session was well received.

7. (*Open Session*) Settlement Presentations
(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)
Deliberations are held in Executive Session.

There were no settlement presentations.

Closed Session

8. Report Reviews/Investigative Authorizations

Two reports were approved for investigation.

One report was closed below threshold: 2007-05-00030P.

9. Disciplinary Case Reviews - Reviewing Board Member Reports

| <u>CASE NUMBER</u> | <u>CASE DISPOSITION</u> |
|--------------------|---|
| 2006-12-00010P | Closed no cause for action; insufficient evidence |
| 2006-05-00080P | Closed no cause for action; the care rendered was within the standard of care |
| 2006-10-00080P | Closed no cause for action; the care rendered was within the standard of care |
| 2006-10-00030P | Closed no cause for action; evidence does not support a violation |
| 2006-09-00010P | Closed no cause for action; unique closure |
| 2006-03-00040P | Referred to legal for a Statement of Charges |
| 2006-05-00050P | Referred to legal for a Statement of Charges |

10. Open case report

The open case report was provided for information only.

11. Compliance Issues

There were no compliance issues.

12. Application Review

There were no applications for consideration.

The meeting adjourned at 12:20 p.m.

Respectfully Submitted

Arlene Robertson
Program Manager

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| NOTE: PLEASE VISIT THE WEB SITE FOR FUTURE AGENDAS AND MINUTES - WWW.DOH.WA.GOV . GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH CARE PROFESSIONS, GO TO OSTEOPATHIC PHYSICIANS FOR AGENDAS AND MINUTES. |
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